

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
San Francisco Venue

Request for Modifying the Conditions or Term of Supervision
from the Person Under Supervision
(Probation Form 49, Waiver of Hearings is Attached)

Person Under Supervision
Robert Guevara

Docket Number
0971 3:17CR00378-001 RS

Name of Sentencing Judge: The Honorable Richard Seeborg
Chief United States District Judge

Date of Original Sentence: April 3, 2018

Original Offense

Count One – Conspiracy to Distribute Methamphetamine, 21 U.S.C. §846, §§841(a)(1), (b)(1)(B)(viii);
Count Two – Distribution of Methamphetamine, 21 U.S.C. §§841(a)(1), (b)(1)(B)(viii), Class B Felonies.

Original Sentence: 60 months of imprisonment as to counts one and two to be served concurrently and 5 years of supervised release.

Special Conditions: Participate in vocational training; \$200 special assessment; drug offender registration; DNA collection; not own or possess any firearms; expanded search; drug testing; drug treatment; no alcohol; no contact with the codefendant, namely Lillian Hovan.

Prior Form(s) 12: On January 13, 2021, a request to modify conditions of supervised release was filed with the court to add a residential reentry center condition. The proposed modification was approved by the Court.

Type of Supervision
Supervised Release
Assistant U.S. Attorney
Denise Oki

Date Supervision Commenced
January 25, 2021
Defense Counsel
Severa Keith (AFPD)

Petitioning the Court

To modify the conditions of Supervised Release as follows:

You must reside at the Residential Reentry Center for a period of up to 180 days, at the direction of the probation officer, to commence November 1, 2021, and you must observe the rules of that facility.

Cause

<u>Charge Number</u>	<u>Violation</u>
One	<p>There is probable cause to believe that the person under supervision violated standard condition number seven, which states that he must refrain from any unlawful use of a controlled substance.</p> <p>On June 8, 2021, Mr. Guevara submitted a urinalysis test which returned positive for methamphetamine, marijuana and morphine.</p> <p>On August 5, 2021, Mr. Guevara signed an admission form admitting to the use of methamphetamine.</p> <p>Evidence of this charge may be found in chronological entry dated June 8, 2021, and admission form dated August 5, 2021, maintained by the U.S. Probation Office.</p>
Two	<p>There is probable cause to believe that the person under supervision violated special condition number seven which states that he shall participate in a program of testing and treatment for drug and alcohol abuse, as directed by the probation officer, until such time as you are released from treatment by the probation officer.</p> <p>On May 19, and 26; June 2, 9, 16, and 23; and July 15, 2021, Mr. Guevara failed to participate in group substance abuse treatment at Dolan Mental Health.</p> <p>Evidence of this charge may be found in email notifications received from Dolan Mental Health dated May 19, and 26; June 2, 9, 16, and 23; and July 15, 2021, maintained by the U.S. Probation Office.</p>

On March 5, 2021, Mr. Guevara was referred to Dolan Mental Health to receive group substance abuse counseling to address his ongoing substance use. Mr. Guevara was afforded time to resolve personal matters and to commence counseling. However, all efforts were unsuccessful as he

claimed not being able to connect to his sessions through Zoom. In view of the fact that he wants to remain employed, a plan has been put in place which includes placement at the residential reentry placement, which will allow him to work while benefitting from substance abuse treatment.

Mr. Guevara signed the attached waiver of counsel/hearing consenting to the proposed modification. Therefore, it is respectfully recommended that Your Honor modify his special conditions to include placement in the RRC for a period of up to 180 days.

Respectfully submitted,

Reviewed by:



Jose Figueroa
U.S. Probation Officer
Date Signed: October 20, 2021



Octavio E. Magana
Supervisory U.S. Probation Officer

THE COURT ORDERS:

☒ To modify the conditions of supervision as follows:

You must reside at the Residential Reentry Center for a period of up to 180 days, at the direction of the probation officer, to commence November 1, 2021, and you must observe the rules of that facility.

- ☐ Submit a request for a warrant
☐ Submit a request for summons
☐ Other:

November 2, 2021
Date



Richard Seeborg
Chief United States District Judge